



The ECF ProFiler

Issue 2
Summer 2005

Special points of interest:

- ProFiler Tips and Tricks
- Upcoming Events
- Statistics

Changing Times for Bankruptcy Practice

The times, they are a changin' goes the refrain from the 1964 Bob Dylan song of the same name. This is certainly true concerning bankruptcy practice in 2005. This summer and fall we will see several new aspects of the law and procedures become effective. To name a few: on July 1, an important update to the local rules of the Northern District regarding mandatory filers took effect on July 1. On October 17, the majority of the substantive provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA or Act) will become effective. This article highlights some of the more significant changes.

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Changing Times	1	Of immediate interest is the change to Northern Indiana Local Bankruptcy Rule B-5005-1. Under this revised local rule, electronic case filing becomes mandatory for all attorneys who file documents or appear in more than five cases in a calendar year. Under the provisions of this local rule, it does not matter when the cases were originally filed. Once an attorney files a document or appears in the sixth case during a year, all filings in all cases must be done via ECF.
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Changing Times Additional Research	3	The other major changes to bankruptcy practice revolve around the BAPCPA. The space available here does not allow any-
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thing more than a brief review of some of the new features of this legislation. Practitioners can expect revisions of the Official Forms, the petition, the statement of financial affairs and the schedules, as well as some completely new forms to comply with the new requirements of the BAPCPA.

Filing fees for chapters 7, 11 and 13 will

Chapter	Old filing fee	New filing fee
7	\$ 209	\$ 274
11	\$839	\$1,039
13	\$194	\$ 189
15	New Chapter Replaces Section 304 filings	\$1,039
Adversary Proceedings	Effective 9/20/2005	\$250

also change on October 17, 2005.

Further, there are several new requirements for consumer debtors to be eligible to file a bankruptcy petition and to receive a discharge of indebtedness. Eligibility to file a petition for relief is conditioned on

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Mandatory ECF: The Magic Number is 5

On April 28, 2005, the judges of the court signed an order amending Local Bankruptcy Rule B-5005-1. This local rule governs mandatory electronic case filing. The change reduced the mandatory electronic filing threshold from twenty-five (25) cases in a calendar year to five (5). This change became operative on July 1, 2005.

Remember, if you file documents in, or appear in, more than five (5) cases during a calendar year, you must file everything electronically. To review the order you may visit:

<http://www.innb.uscourts.gov/newgenord.htm>



Now Fishing for
Opinions is a Song!

New Application Eases Opinion Searches

The E-Government Act of 2002 established a foundation for the use of technology to improve public access to government information. Some of the information the Northern Indiana Bankruptcy Court makes available through its website includes local rules, general orders, local and national forms, and written opinions. The court recently unveiled a new opinions search application making access to written opinions easier. This easy-to-use program will enable you to search by any combination of the following: case number, judge, division, and date(s) signed. In addition, a full text search option is available.

The results of your search will include the opinions that meet your search criteria, along with a brief description and a PDF copy of the opinion. When viewing the PDF results of a full text search, the hits will appear highlighted in each document.

The Court's written opinions can be found on the *Content's* page of the court's website listed under *Publications*, or at:

<http://www.innb.uscourts.gov/opinions>

Changing Times..
(Continued from page 1)

the debtor participating in an approved credit counseling briefing within the 180 days preceding the filing and completion of an approved financial management course before receiving a discharge.

Debtors in all chapter 7 cases must perform a "means" test. If the debtor's income, minus expenses, is above stated limits, the filing is presumed to be abusive. The Act contains special definitions for income and expenses. When a chapter 7 is found to be abusive and the debtor does not convert to chapter 13 the case will be dismissed.

The Act defines debtors' counsel as "debt relief agencies," and imposes several obligations on debt relief agencies. Of note, the BAPCPA provides that the signature of the

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Proper Procedures

Adversary Proceeding

(click for link to Attorney ECF Application Guide)

Filing an adversary proceeding and not sure where to begin? At the CM/ECF main menu, select the *Adversary* hyperlink. On the next screen, choose *Open an AP Case* and you will be on your way to filing that adversary proceeding. As a reminder, the attorney for plaintiff must be inserted with the "Attorney" button on the *Party Information* screen to make the case record complete.

Certificate of Service and Notice of motion with Opportunity to Object

The certificate of service of a notice of motion with opportunity to object as required by L.B.R. B-2002-2 may be filed using the doctype *Certificate of Service (Notice of Motion)* in the "Other" category. When filing the certificate, it is important that the docket entry reference the underlying motion. The doctype includes a prompt for the objection deadline. Insert the date that is set out in the notice. See L.B.R. B-2002-2 to determine proper objection deadlines.



Filing an Adversary
Proceeding and Certifi-
cate of Service and
Notice of Motion with
Opportunity to Object.

Electronic Signatures

Since the implementation of CM/ECF, bankruptcy courts across the nation have adopted various methods regarding signatures. One of the many benefits for filing electronically, is the reduction in the need of generating paper. Although there are certain documents the court continues to require ink signed signatures, most courts now allow electronic signatures on a vast

majority of documents being filed electronically through the ECF system. This can be done by simply placing “/s/ Attorney’s Name” on the line where the signature would otherwise appear. Electronically filed documents must include a signature block that sets forth the name, complete mailing address, telephone number

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Here's your sign!

Changing Times..

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debtor's attorney constitutes a certification that the attorney has performed a reasonable investigation and determined that the signed document is well grounded in fact and not abusive under the Bankruptcy Code. The certification indicates that “the attorney has no knowledge after an inquiry that the information in the schedules filed with [the] petition is incorrect.”

For more detailed information on the provisions of the BAPCPA, you may want to check out these web sites.

- For the text of the bill as passed by Congress, see: <http://thomas.loc.gov/cgi-bin/query/z?c109:S.256.RH:%22>
- For a blackline text of the Bankruptcy Code as amended, see: <http://www.dpw.com/practice/code.blackline.pdf>
- For general information on the BAPCPA see: <http://abiworld.net/bankbill/>.
- For national standards for allowable living expenses, see: <http://www.irs.gov/businesses/small/article/0,,id=104627,00.html>
- For national standards for allowable living expenses for transportation, see: <http://www.irs.gov/businesses/small/article/0,,id=104623,00.html>
- For Indiana housing and utilities allowable living expenses, see: <http://www.irs.gov/businesses/small/article/0,,id=104792,00.html>

We will discuss additional aspects of the BAPCPA in future editions of *The ProFiler*.



Electronic Signatures



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and E-mail address of the filing attorney. The Northern District of Indiana's rule regarding signatures is governed by the court's Fourth Amended Order Authoriz-

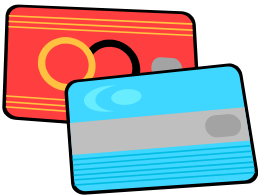
ing Electronic Filing. For more information regarding this topic, you can view the court's order at: www.innb.uscourts.gov/cmecfcomm.htm

Statistics

The U. S. Bankruptcy Court, Northern District of Indiana, is currently at 90% in new case filings. This places us among the top ECF courts nationwide.

Nationwide, there are 84 courts live and 10 courts in the final implementation phase.

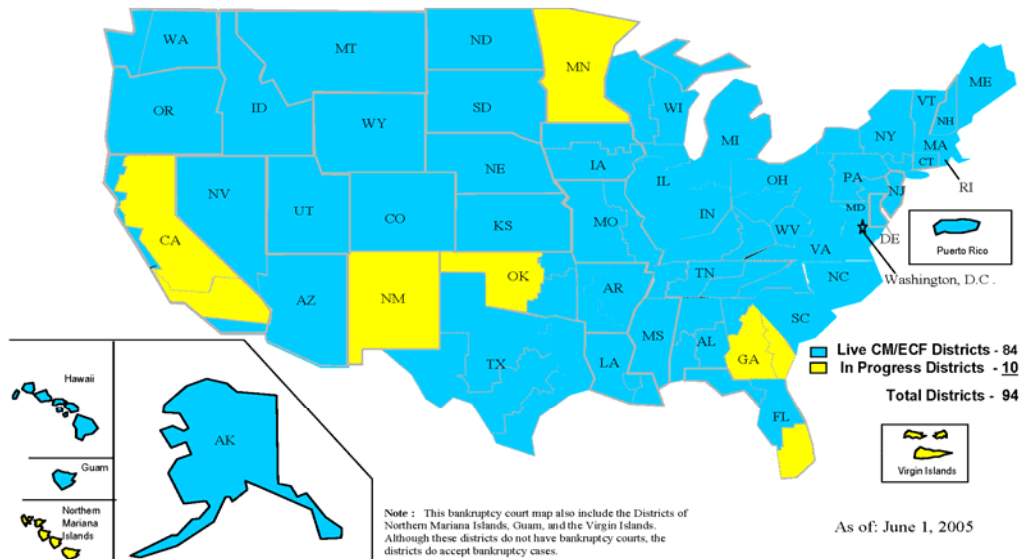
Thank you for your continuing efforts.



DID YOU KNOW?

End Users may use any personal credit card to pay for their fees on-line. Just remember to select the appropriate credit card type (i.e. American Express, Visa, MasterCard, Discovery and Diner's Club)

Bankruptcy Court CM/ECF Implementation



Tips and Tricks... Save Time & Money

- When filing a multiple part motion, such as a motion for relief from stay and abandonment, remember to enter "N/A" in the second receipt number field. This will prevent duplicate payments.
- When filing a document which gives a deadline, such as a notice of motion and opportunity to object, be sure not to set your deadline on a weekend or holiday. Go to the next business day.
- When filing a new case and the debtor(s) doesn't have a middle name, leave that field blank, don't use "nmn." It may help to remember to leave this off the petition as well.
- When querying the CM/ECF system, don't use periods after initials. By not using a period, you will retrieve records with or without a period.

**CONGRATULATIONS!!!!!!****March ProFiler Answer Key**

We would like to congratulate **DENISE HALLETT** for being the first one to discover the hidden word in the first edition of the ECF newsletter. The hidden word was "ProFiler."

Thanks to everyone who wrote in with the correct word!!!



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United States Bankruptcy Court Northern District of Indiana

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ProFiler Puzzle: E-Government Means Easier Access

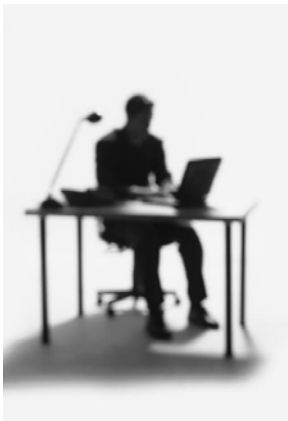
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Judge Celebrates 20 Year Anniversary with Court

Recalled Judge Kent Lindquist celebrated his 20th anniversary with the Bankruptcy Court at an informal gathering in his court room. In addition to court staff, members of the bar and other court agencies in the building, his wife and twin granddaughters, who quickly stole the spotlight and Grandpa's attention, attended the celebration. Everyone enjoyed looking at pictures that recorded the Judge's

20 years with the court. Although Judge Lindquist is "retired," the celebration ended with him returning to chambers to hold court. Congratulations Judge Lindquist. We look forward to many years of service with the court.

**Upcoming Events****ECF Attorney Training**

Hammond: October 3 and November 14

Ft. Wayne: September 30 and November 4

Lafayette: October 6 and November 17

South Bend: September 16 and October 28

Please visit our website for available training dates at: <http://www.innb.uscourts.gov/ecfattytrain.htm>

A newsletter for
the ECF filer.

Contact for comments

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